

CAMPAIGN FINANCE DIVISION

⋈ WAIVER REQUEST □ RECONSIDERATION REQUEST

DATE: 9/1/2020 DOCKET #:

FILER INFORMATION

Name: Joseph "Joe" Fertitta Office: Parish President Parish: LAFOURCHE Election Date: 10/12/2019 Level of Office: District

REPORT INFORMATION

Name of Report: SUPP2019 Original Due Date: 2/18/2020 Date Filed: 2/28/2020 Activity Receipts: \$4,007.56

Expenditures: \$4,007.78

Funds at Close of Reporting Period: \$-0

LATE FEE INFORMATION

Amount of Late Fee: \$600

Days Late: 10

Late Fee Order Received: 5/15/2020

Payment/Waiver Request Due Date: 6/4/2020

Waiver Request Received: 5/21/2020 Additional Information Requested:

Medical Financial Other

COMMENTS: Joseph "Joe" Fertitta request a waiver and states the following: He was notified via letter dated January 14, 2020 by the Ethics Board HE was required to file a supplemental report. He immediately contacted the Board of Ethics via telephone and was guided as to how to complete the supplemental report. He completed said report and submitted it approximately mid-January of 2020. However, when he submitted the supplemental report, he failed to place his email address on the submission page, therefore the final step did not allow the report to go through. He was notified of the failure to submit and immediately contacted the Ethics Board to attempt to remedy the situation. He was informed via telephone the system displayed supplemental report as being completed but not submitted. He immediately placed his email on the supplemental report and re-submitted it on February 28, 2020.

OTHER LATE FEE INFORMATION

Campaign Finance:

Other Outstanding Reports: No Other Outstanding Late Fees: No Prior Late Fees: No

Reassessed Late Fees: No

Disclosure Statements:

Other Outstanding Late Fees: No

Prior Late Fees: No

VIA U.S. POSTAL SERVICE

Louisiana Board Of Ethics P.O. Box 4368 Baton Rouge, LA 70821 Phone: 225-219-5600

Re: Request to waive late fee of 2019 Supplemental Campaign Finance
Disclosure Report

Dear Madam/Sir:

I recently received a letter dated May 11, 2020 (see attached) regarding a late fee assessment related to the filing of my 2019 Supplemental Campaign Finance Disclosure Report. Per the letter, I was ten (10) days late in filing said report and now owe \$600. Please allow me to explain myself as to how this error occurred.

On November 26, 2019 I timely filed my final election report (see attached). However, I was notified via letter dated January 14, 2020 (see attached) by the Ethics Board I was required to file a supplemental report. I immediately contacted the Board of Ethics via telephone and was guided as to how to complete the supplemental report. I completed said report and submitted it approximately mid-January of 2020.

However, when I submitted the supplemental report, I failed to place my email address on the submission page, therefore the final step did not allow the report to go through. Because of this error, my supplemental report reflected in the system as not submitted. I was notified of the failure to submit and immediately contacted the Ethics Board to attempt to remedy the situation. I was informed via telephone the system displayed my supplemental report as being completed but not submitted. I immediately placed my email on the supplemental report and re-submitted it on February 28, 2020 (see attached receipt).

I ran a conservative grassroots campaign with minimal funding and expenditures. My "staff" consisted of my family and friends who mostly volunteered their time. I ask that, because it was a clerical error on my part, and not an intentional or irresponsible act that I receive consideration for waiving the \$600 late fee assessment.

I further ask the board to please review my reporting records throughout this campaign and my previous 2015 campaign to demonstrate that all other reports were timely completed and submitted. I hope my prior filing history further reflects that, what caused my supplemental report to be deemed late, was merely a clerical error and not an attempt to shirk

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campaign finance laws. Again, I humbly ask the board to consider the error; the context in which it occurred; and the promptness in which it was corrected; when determining whether to waive the late fee. Should you all have any questions or need further information please do not hesitate to contact me. Thank you.

Sincerely,

Joseph "Joe" Fertitta

Enclosures: (3)

CANDIDATE'S REPORT ' (to be filed by a candidate or his principal campaign committee)				
1.Qualifying Name and Address of Candidate JOSEPH E. FERTITTA 202 Parkside Dr. Thibodaux, LA 70301	Office Sought (Include title of office as well Parish President Lafourche Lafourche Parish	OFFICE USE ONLY Report Number: 84200 Date Filed: 11/26/2019 Report Includes Schedules: Schedule A-1 Schedule B Schedule E-1		
3. Date of Primary <u>10/12/2019</u>				
This report covers from 9/23/2019	through <u>10/27/2019</u>			
4. Type of Report:				
6. Name and Address of Financial Institution (You are required by law to use one or more banks, savings and loan associations, or money market mutual fund as the depository of all FIRST AMERICAN BANK AND TRUST 406 N. Canal Blvd. Thibodaux, LA 70301	7. Full Name and Address of Treasurer B FERTITTA			
10. WE HEREBY CERTIFY that the information contain schedules is true and correct to the best of our knowled expenditures have been made nor contributions receive and that no information required to be reported by the total thin the second sec	lge, information and belief, and that no ed that have not been reported herein,	8. FOR PRINCIPAL CAMPAIGN COMMITTEES ONLY a. Name and address of principal campaign committee, committee's chairperson, and subsidiary committees, if any (use additional sheets if necessary).		
Joseph E. Fertitta Signature of Candidate/Chairperson (To be signed by Chairperson <i>only</i> if report by principal campaign committee)	985.447.3693 Daytime Telephone			
Signature of Treasurer	Daytime Telephone			

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SUMMARY PAGE

RECEIPTS	This Period
1. Contributions (Schedule A-1)	\$ 3,000.00
2. In-kind Contributions (Schedule A-2)	\$ 0.00
3. Campaign paraphernalia sales of \$25 or less	\$ 0.00
4. TOTAL CONTRIBUTIONS (Lines 1 + 2 +3)	\$ 3,000.00
5. Other Receipts (Schedule A-3)	\$ 0.00
6. Loans Received (Schedule B)	\$ 0.00
7. Loan Repayments Received (Schedule D)	\$ 0.00
8. TOTAL RECEIPTS (Lines 4 + 5 + 6 + 7)	\$ 3,000.00

DISBURSEMENTS	This Period
9. Expenditures (Schedule E-1)	\$ 1,109.48
10. Other Disbursements (Schedule E-2)	\$ 0.00
11. Loan Repayments Made (Schedule B)	\$ 6,087.00
12. Funds Loaned (Schedule D)	\$ 0.00
13. TOTAL DISBURSEMENTS (Lines 9 + 10 + 11 + 12)	\$ 7,196.48

FINANCIAL SUMMARY	Amount
14. Funds on hand at beginning of reporting period (Must equal funds on hand at close from last report or -0- if first report for this election)	\$ 4,196.70
15. Plus total receipts this period (Line 8 above)	\$ 3,000.00
16. Less total disbursements this period (Line 13 above)	\$ 7,196.48
17. Less in-kind contributions (Line 2 above)	\$ 0.00
18. Funds on hand at close of reporting period	\$ 0.22

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SUMMARY PAGE (continued)

INVESTMENTS	Amount
19. Of funds on hand at beginning of reporting period (Line 14, above), amount held in investments (i.e., savings accounts, CD's, money market funds, etc.)	\$ 0.00
20. Of funds on hand at close of reporting period (Line 18, above), amount held in investments	\$ 0.00

FINANCIAL SUMMARY	Amount
21. Candidate's personal funds (Use of personal funds as either a contribution or loan to the campaign should be reported on Schedules A-1 or B.)	\$ 0.00
22. Contributions received from political committees (From Schedules A-1 and A-2)	\$ 0.00
23. All proceeds from the sale of tickets to fundraising events (Receipts from the sale of tickets are contributions and must also be reported on Schedule A-1.)	\$ 0.00
24. Proceeds from the sale of campaign paraphernalia (Receipts from the sale of campaign paraphernalia are contributions and must also be reported on Schedule A-1 or Line 3, above.)	\$ 0.00
25. Expenditures from petty cash fund (Must also be reported on Schedule E-1.)	\$ 0.00

SPECIAL TRANSACTIONS - total for the election	This Election	
Total amount of contributions received from political committees for both the primary and general elections combined since the first report filed for this election.	\$ 0.00	

NOTICE

The personal use of campaign funds is prohibited.* The use of campaign funds must be related to a political campaign or the holding of a public office or party position. However, campaign funds may be used to reimburse a candidate for expenses related to his campaign or office, to pay taxes on the interest earned on campaign funds or to replace articles lost, stolen, or damaged in connection with a campaign.

Excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution as provided in 26 USC 170(c), given to a charitable organization as defined in 26 USC 501(c)(3), expended in support of or opposition to a proposition, political party, or candidacy of any person, or maintained in a segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office.

*The prohibition on the personal use of campaign funds does not apply to campaign funds received prior to July 15,

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SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate *loans* to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

Name and Address of Contributor 2. Contributions this Reporting Period		3. Total this Election	
	a. Date(s)	b. Amount(s)	
APOLLOS ASSESTS 1217 Museum Dr. Bldg Houma, LA 70360	09/23/2019	\$1,500.00	\$1,500.00
POLITICAL COMMITTEE? PARTY COMMITTEE?			
APOLLOS ASSESTS 1217 Museum Dr. Bldg Houma, LA 70360	09/23/2019	\$1,000.00	\$2,500.00
POLITICAL COMMITTEE? PARTY COMMITTEE?			
TIMOTHY MARTIN 11720 Archery Dr. Baton Rouge, LA 70815	09/23/2019	\$500.00	\$1,000.00
POLITICAL COMMITTEE? PARTY COMMITTEE?			
4. SUBTOTAL (this page)		\$3,000.00	N/A
5. TOTAL (complete only on last page of this schedule)		\$ 3,000.00	N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES:			
SUBTOTAL (this page) \$0.00	TOTAL (complete only o	n last page of this schedule)	\$ 0.00

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SCHEDULE B:	LOANS RECI	=IVED		
The following information must be provided for each loan or line repaid. Also, complete this schedule for loans received in prior reported separately, even if from the same source. Any persona on this schedule.	periods that are still out	standing. Separate loans	s must be	
Name and address of lender JOSEPH & MARIAN FERTITTA 202 Parkside Dr. Thibodaux, LA 70301	c. Amount borrowed* d. Balance due *For lines of credit, give	b. Interest rate the date the line of credit whe amount actually drawn and of credit available \$. \$ 5,095.00 . \$ 0.00	
3. Endorsers/Guarantors	4. Repayments this peri Date 10/27/2019	od Principal 5095.00	Interest 0.00	
(Enter the full name and address of each person or entity that has endorsed, guaranteed or otherwise secured the loan or line of credit.	(List payments of principal and interest separately. If separate amounts are not known, list all payments under principal.)			
1. Name and address of lender JOSEPH & MARIAN FERTITTA 202 Parkside Dr. Thibodaux, LA 70301	2. a. Date* 6/3/2019 b. Interest rate 0.00 %(a.p.r.) c. Amount borrowed* \$ 5,000.00 d. Balance due \$ 4,008.00 *For lines of credit, give the date the line of credit was first committed at Item 2a and list only the amount actually drawn at Item 2c. OPTIONAL: Total amount of credit available \$			
3. Endorsers/Guarantors 4. Repayments this period Date Principal Interest				
	10/27/2019	992.00	0.00	

(Enter the full name and address of each person or entity that has endorsed, guaranteed or otherwise secured the loan or line of

credit.

(List payments of principal and interest separately. If separate amounts are

not known, list all payments under principal.)

Report Number: 84200 Page 5 of 7 JOSEPH E. FERTITTA

SCHEDULE E-1: EXPENDITURES

Use this schedule to report information on all campaign expenditures for this reporting period. An "expenditure" is any payment made for the purpose of supporting your election to public office and includes monies spent for the campaign's general operating expenses. Any payments made that are not "expenditures" should be reported on SCHEDULE E-2: OTHER DISBURSEMENTS. Totals and subtotals at bottom of page are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Recipient	Expenditures this a. Date(s)	Expenditures this Reporting Period a. Date(s) b. Purpose(s)	
BAYOU BLUE SENIOR CITIZENS CENTER 201 Mazerac St. Houma, LA 70364	10/01/2019	Donation to Center	\$ 100.00
CASA OF LAFOURCHE 406 West 3rd St Thibodaux, LA 70301	10/01/2019	Cook off Fundraiser donation	\$ 100.00
CROSSROADS PREGNANCY CENTER 105 St. Louis St. Thibodaux, LA 70301	09/25/2019	Auction item	\$ 40.00
CUT OFF YOUTH CENTER 205 West 79th St. Larose, LA 70373	09/30/2019	donation	\$ 100.00
LAFOURCHE CHAMBER OF COMMERCE P.O. Box 1462 Larose, LA 70373	09/30/2019	Fundraiser Golf Tournament Hole Sponsor	\$ 100.00
LAFOURCHE GAZETTE P.O. Box 1450 Larose, LA 70373	10/02/2019	Newspaper ad	\$ 155.50
LOWE'S 614 N. Canal Blvd Thibodaux, LA 70301	09/24/2019	stakes for political signs	\$ 57.22
MICROSOFT 600 Pine Street Suite 352 Seattle, WA 98101	09/24/2019	Excel upgrade for reports	\$ 73.10
3. SUBTOTAL (optional)			\$725.82

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SCHEDULE E-1: EXPENDITURES

Use this schedule to report information on all campaign expenditures for this reporting period. An "expenditure" is any payment made for the purpose of supporting your election to public office and includes monies spent for the campaign's general operating expenses. Any payments made that are not "expenditures" should be reported on SCHEDULE E-2: OTHER DISBURSEMENTS. Totals and subtotals at bottom of page are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Recipient	Expenditures this a. Date(s)	s Reporting Period b. Purpose(s)	c. Amount(s)
ROTARY OF GOLDEN MEADOW P.O.Box 324 Golden Meadow, LA 70357	10/05/2019	auction item purchase	\$ 40.00
ROUSE'S SUPERMARKET 204 North Canal Blvd Thibodaux, LA 70301	10/11/2019	food for election night	\$ 133.08
ST. CHARLES BORROMEO CATHOLIC CHURCH 1237 Hwy. 665 Montegue, LA 70377	09/28/2019	Auction item purchase	\$ 70.00
VISION COMMUNIDATION P.O. Box 188 Larose, LA 70373	10/02/2019	Radio Ad	\$ 50.00
WALMART NEIGHBORHOOD MKT 224 W. Main Thibodaux, LA 70301	09/27/2019	Auction items for fundraiser	\$ 90.58
3. SUBTOTAL (optional)			\$383.66
4. TOTAL (optional - complete only on last page of this schedule)			\$ 1,109.48

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STATE OF LOUISIANA DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

P. O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX: (225) 381-7271 1-800-842-6630 www.ethics.la.gov

January 14, 2020

Joseph "Joe" Fertitta 202 Parkside Dr. Thibodaux, LA 70301-3831 Oct 18- Jan - 100

REPORT DUE February 18, 2020

Because your last report for the election held **October 12, 2019** shows a "deficit" (i.e. outstanding debts or loans) of \$4,008.00 and a surplus of \$0.22, you are required to file a supplemental report of receipts and disbursements <u>electronically</u> using L.E.A.D.E.R.S. Supplemental reports are filed annually and must be complete through the preceding December 31st. Supplemental reports are filed until all debts and loans, including the candidate's personal loans, have been reported as paid or forgiven. Once debts, loans, and expenses for an election have been satisfied any remaining funds should be reported as contributions for a future election on a report marked as an "annual" report. Separate reports marked "supplemental" should be filed for each election in which there was a deficit. If you are reporting on more than one election, keep records and reports separate.

Information regarding electronic filing using the Louisiana Ethics Administration Disclosure & Electronic Reporting System (LEADERS) is available on our website at www.ethics.la.gov.

If this is your first time electronically filing, you must submit an Electronic Filing Affidavit and obtain a password and ID from this office. Affidavits can be printed from our website and must be received no later than February 2, 2020.

Late fees of \$60.00 per day for district office candidates will be assessed for every day supplemental reports are late.

If you have accepted a contribution for a future election, an annual report should be filed in addition to the supplemental report. Annual reports are also due by **February 18**, **2020**.

Please contact a member of our Campaign Finance staff at (225) 219-5600 or (800) 842 -6630 regarding any questions or necessary corrections.

LEADERS Online: Filing LA-87758 - Joseph E. Fertitta

1 message

<ethics.louisiana@la.gov>
To: joseph.fertitta@charter.net

Fri, Feb 28, 2020 at 10:31 AM

Filer Name: Joseph E. Fertitta

Filer ID: CAN993083

LEADERS Online - Louisiana Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via of Form 102 on the LEADERS Online System.

Your filing was received and accepted by our system on 2/28/2020, and was assigned the Filing ID of: LA-87758.

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using the LEADERS Online System.



STATE OF LOUISIANA DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

P. O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX: (225) 381-7271 1-800-842-6630 www.ethics.la.gov

May 11, 2020

Joseph "Joe" Fertitta 202 Parkside Dr. Thibodaux, LA 70301-3831 CERTIFIED MAIL

NO. 70191640000163300456

RETURN RECEIPT REQUESTED

RE:

Late fee assessment for the October 12, 2019 Election

2019 Supplemental Campaign Finance Disclosure Report filed 10 days late

Dear Joseph "Joe" Fertitta:

Enclosed is an assessment of a late fee pursuant to La R.S. 18:1505.4 and La. R.S. 18:1511.4.1. Please submit a check or money order in the amount of \$600 payable to the Treasurer of the State of Louisiana to P. O. Box 4368, Baton Rouge, LA 70821. Please note that late fees can only be paid by the candidate or by his campaign.

You have 20 days from receipt of this letter to dispute this assessment. You may elect to do either or both of the following:

1. You may submit your request for a waiver to the attention of the Louisiana Board of Ethics.

Waivers are handled by the Ethics Board. The Board of Ethics may reduce, suspend, or decline to waive a late fee assessment based on the cause shown by the person, candidate, or political committee. If you submit a request for a waiver of the late fee to the Board of Ethics, your request should contain details as to why, in your opinion, you have good cause why your report was not timely filed. Also, if you would like to appear before the Board of Ethics in connection with your request, you should state that in your letter. The request should be submitted to the attention of the Board of Ethics at the following address: P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225) 381-7271.

2. You may appeal the assessment directly to the Ethics Adjudicatory Board (EAB).

Appeals to the EAB are proceedings before a three judge panel. The determination is made regarding whether the person, candidate, or political committee was required to file the report and whether the report was filed late. Mitigating factors are not considered during an EAB proceeding. The EAB does not have the authority to reduce, suspend, or waive a late fee assessment. If you choose to appeal the assessment to the EAB, you should submit your request for an appeal to the attention of the Executive Secretary of the Louisiana Board of Ethics at P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225)381-7271.

If you timely submit a waiver request or appeal, your name will not be posted on the website pending the result of your appeal. Furthermore, if you request an appearance, you will be notified of the place and time prior to the meeting.

If you do not pay or dispute the assessment of the late fee within 20 days from the receipt of this letter, the matter will be forwarded to the Attorney General's Office to pursue collection. If the matter is forwarded to the Attorney General's Office for collection, you may be responsible for all additional costs incurred. Additionally, late fees not paid by the due date will be posted on the agency website.

You should be aware that unpaid campaign finance fines, fees or penalties may have an adverse effect on your ability to run for public office in the future, as the Board of Ethics will object to your future qualifications for candidacy for public office pursuant to La. R.S. 18:491 and R.S. 18:492.

Sincerely,

LOUISIANA BOARD OF ETHICS

elissa Horn

Melissa Horn

STATE OF LOUISIANA LOUISIANA BOARD OF ETHICS

acting in its capacity as the

SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE

In Re:

Joseph "Joe" Fertitta

October 12, 2019 Election

LATE FEE ASSESSMENT ORDER

WHEREAS, Joseph "Joe" Fertitta, in his capacity as a candidate for Parish President in the October 12, 2019 election was required to file campaign finance reports pursuant to La. R.S. 18:1484.

WHEREAS, La. R.S. 18:1505.1 provides that it is a violation of the Campaign Finance Disclosure Act to fail to timely file campaign finance reports.

WHEREAS, in accordance with La. R.S. 18:1495.4D, Joseph "Joe" Fertitta was required to file a Supplemental Report by February 18, 2020. Joseph "Joe" Fertitta filed the report on February 28, 2020 and was 10 days late.

WHEREAS, La. R.S. 18:1505.4A(2)(a)(ii) provides that an automatic late fee of \$60 per day (not to exceed \$2,000) be assessed against Joseph "Joe" Fertitta for this late filing.

ACCORDINGLY, IT IS ORDERED that a late fee of \$600 is assessed against Joseph "Joe" Fertitta for failure to timely file his campaign finance disclosure report.

ORDER signed on the 11th day of May 2020 at Baton Rouge, Louisiana.

Angela Newsom, Director

Campaign Finance & Lobbying Division